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situated

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOSEPH VIERRA and KEVIN
WOODRUFF, on behalf of themselves and
classes of those similarly situated,

Plaintiffs,

v.

TIMEC COMPANY, INC., dba
TRANSFIELD SERVICES, a corporation,

Defendant.

Case No. 3:14-cv-04105-EMC

**THIRD JOINT CASE MANGEMENT
STATEMENT ; ORDER**

Date: December 10, 2015
Time: 10:30 a.m.
Courtroom 5
Honorable Edward M. Chen

Pursuant to Fed. R. Civ. P. 26(f), the parties to the above-entitled action have met and conferred and jointly submit this THIRD JOINT CASE MANAGEMENT STATEMENT pursuant to the Standing Order for All Judges of the Northern District of California dated July 1, 2011 and Civil Local Rule 16-9.

1. DEVELOPMENTS SINCE THE INITIAL CASE MANAGEMENT CONFERENCE

Pursuant to this Court's January 23, 2015 Minute Order (Dkt. No. 29), the parties met and conferred regarding a *Belaire* notice. Following the agreed-upon *Belaire* disclosure opt-out process, a third-party notice administrator provided Plaintiffs with the class list on or about June 18, 2015.

Further, pursuant to this Court's January 23, 2015 Minute Order (Dkt. No. 29), and the September 11, 2015 Order Extending Date to Complete Private Mediation by One Week (Dkt. No. 33), the parties engaged in the mediation of this matter before an experienced wage and hour mediator, Jeffrey Ross, on September 22, 2015. While the parties did not reach a resolution at that mediation, they did clarify issues that affect their positions and identified additional information and documents to enable them to move forward. They agreed to continue their efforts to resolve this matter. To that end, in an agreement and process facilitated by Mr. Ross, Defendant provided additional documents requested by Plaintiffs related to an agreed-upon sample group of the putative class members. The parties will continue to use the mediator to try to narrow their differences and exchange information helpful to the settlement process while they prepare for another mediation session. After further review of documents and direct discussions, the parties have scheduled another mediation session with Mr. Ross on March 2, 2016, his first available date.

On November 10, 2015, the Court granted the parties' Stipulation, and continued the date for hearing Motion(s) for Class Certification to April 21, 2016 at 1:30 p.m. (ECF No. 37, p. 4). The Court ordered the Motion to be heard on the normal 35 day schedule, unless the parties stipulate otherwise (subject to Court approval) (ECF No. 37, p. 4). The parties request that in light of Mr. Ross's unavailability for mediation until March, and the need for further discovery, that the Court continue the class certification hearing date to June 9, 2016.

2. FURTHER CASE MANAGEMENT CONFERENCE AND SCHEDULING

The Parties respectfully suggest that the Court schedule a further Case Management Conference in early April after the next mediation, at which time the parties will be able to apprise the Court of the outcome of their continued settlement efforts.

DATED: December 3, 2015

/s/ Lindbergh Porter
LINDERBERGH PORTER
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DATED: December 3, 2015

/s/ John T. Mullan
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KEVIN WOODRUFF, and all others similarly
situated

IT IS SO ORDERED. The motion for class certification and CMC are rescheduled from 4/21/16 to 6/9/16 at 1:30 p.m. A joint CMC statement shall be filed by 6/2/16.

Edward M. Chen
U.S. District Judge

